

Exhibit B

October 18, 2018

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1 IN THE CIRCUIT SUPERIOR COURT
2 STATE OF ARIZONA
3 COUNTY OF MARICOPA

4
5 CASE NO.: Cv2017-000927

6 (Concerning Steven Schimpf,
7 Andrew Erm and Allan Kotter)

8 DANNY MCMAHILL, an individual,

9 Plaintiff,

10 vs.

11 C.R. BARD, INC., et al,

12 Defendants.

13 Video Deposition of DEREK MUEHRCKE, M.D.,
14 taken on behalf of defendant herein, pursuant to Notice
15 of Taking Deposition, at 32 Avenida Menendez, St.
16 Augustine, Florida, on October 18, 2018, at 5:00 p.m.,
17 before Terry T. Hurley, Registered Professional
18 Reporter, and Notary Public in and for the State of
19 Florida at Large.

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1 Bard cases, like the Fraser-Johnson case, these filters
2 can come out, you know, years later and poke through the
3 skin and work their way through the heart. I just don't
4 think that most cardiac surgeons like the idea of a
5 metal fragment in the heart, you know, in the hostile
6 environment of the right ventricle.

7 Q What data have you reviewed showing that the
8 filter strut that has been in the heart for ten years
9 that has caused no problems can cause a problem in the
10 future?

11 A Oh, I don't think there's any -- I don't think
12 there's any data on these types of problems because
13 they're not that prevalent. But I think most cardiac
14 surgeons would be concerned about a fragment that's in
15 the heart and the danger it can cause. Just common
16 sense, just medical common sense. It's not normal to
17 have a fractured fragment in your heart.

18 Q You're saying common sense, medical common
19 sense. Can up cite me any actual data that any foreign
20 object in the heart that's been there for more than ten
21 years that has caused no problems will cause a problem
22 in the future?

23 A Well, just, you know, my -- my clinical
24 experience as a physician, my education, and talking to
25 other cardiac surgeons leads me to believe that you can

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1 have people show up, like the one we talked about
2 earlier in the deposition, you know, years later after a
3 Bard filter was placed where it can poke through the
4 heart and cause tamponade.

5 I think it's a ticking time bomb. And although
6 there's not a lot of literature written on these
7 patients because they're so far and few between, but I
8 think that's a dangerous concept of just sticking your
9 head in the sand, because clearly this filter is
10 unstable. It's already disintegrated. There's no
11 reason why it's not going to fall apart further and have
12 further fragments go to the heart.

13 The filter is tilted 20 degrees. It's not
14 functional. It's already lost a fourth of its
15 clot-trapping arms and legs.

16 I think that the filter has failed in a
17 catastrophic fashion that no physician would expect it
18 to, and I don't -- I think it's -- I think it's failed
19 in a manner that no patient would expect it to. And I
20 think it's dangerous to have a fragment in the heart
21 which can perforate and kill a person at any time with
22 any heartbeat. And it can happen again because the
23 filter is still in there.

24 Q All right. Let's just focus on the strut
25 that's in the heart.